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FEB 04 2005

OFFICE OF PETITIONS

In re Application of
Stephen James
Application No. 10/665,839
Filed: September 19, 2003
For: SWITCH WITH INSULATION
DISPLACEMENT CONNECTORS
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: Decision on Petition
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This is in reply to Petitioner's "Petition and/or Request For Nonpublication and Certification Under 35 U.S.C. 122(b)(2)(B)(i)" filed on February 2, 2004, which is being treated as a Petition under 37 CFR 1.183 to accept the late request for nonpublication.

The petition is Dismissed.

Petitioner requests that the application not be published under 35 U.S.C. 122(b). Petitioner states that the certification and request for nonpublication were inadvertently omitted with the filing of the instant application. Petitioner now makes the Non-Publication Request certification and asks that this request to be treated as a petition for late acceptance of the nonpublication request.

35 U.S.C. 122(b) requires the United States Patent and Trademark Office to publish utility and plant applications filed on or after November 29, 2000, unless, on filing, applicant requested nonpublication with the required certification. The statute also permits the Office to publish applications filed before November 29, 2000, when applicant requests publication of such an application.

The Office has no statutory authority to accept a nonpublication request that was not filed on the filing date of the application. Since the nonpublication request submitted on February 2, 2004, was after the filing date of the application, the application remains scheduled to publish on March 24, 2005.

If applicant desires to avoid publication, he may file a continuation application under 37 CFR 1.53(b) with a nonpublication request claiming benefit to the instant application under 35 U.S.C. 120 and thereafter abandoning the application. To avoid publication, the abandonment must be received by the Office and recognized in time to avoid publication.

For further information see the "Q's & A's" under the American Inventors Protection Act of 1999 (AIPA), which is under Patents on the USPTO website, and posted at:
<http://www.uspto.gov/web/offices/dcom/olia/aipa/index.htm>

The application will be examined in due course.

The petition fee of \$130.00 under 37 CFR 1.17(h) has been charged to petitioners' Deposit Account No. 03-1728.

Telephone inquiries regarding this communication should be directed to the undersigned at (703)308-8122.

A handwritten signature in black ink, appearing to read "Karin Ferriter", with a long horizontal stroke extending to the right.

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy